

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LA UNIÓN DEL PUEBLO ENTERO, et al.,

Plaintiffs,

v.

GREGORY W. ABBOTT, et al.,

Defendants.

Civil Action No. 5:21-cv-844 (XR)
(consolidated cases)

ADVISORY REGARDING SECTION 101 MATERIALITY PROVISION CLAIMS

The United States, OCA Plaintiffs, State Defendants, and Intervenor-Defendants—the only parties to a Section 101 Materiality Provision claim—have conferred and agree that the Section 101 claims in this consolidated matter are likely resolvable via summary judgment. Cross-motions for summary judgment have been fully briefed. Resolving the Section 101 claims on summary judgment would obviate the need for the United States to call witnesses at trial, *see* U.S. Witness List, ECF No. 684-1, eliminate the need for OCA Plaintiffs to call approximately 20 witnesses, and reduce by up to 3 the number of witnesses State Defendants may call. Resolution of the Section 101 claims would also narrow the scope of other likely witnesses’ testimony, including organizational representatives and county and State election officials. To the extent the Court determines prior to trial that the Section 101 claims are subject to summary judgment in favor of any party, the parties agree that those claims can be excluded from trial pending their resolution by the Court, even if the Court has not yet finalized its opinion and order.

Date: August 9, 2023

KRISTEN CLARKE
Assistant Attorney General

/s/ Michael E. Stewart

T. CHRISTIAN HERREN, JR.

RICHARD A. DELLHEIM

DANIEL J. FREEMAN

DANA PAIKOWSKY

MICHAEL E. STEWART

JENNIFER YUN

Attorneys, Voting Section

Civil Rights Division

U.S. Department of Justice

950 Pennsylvania Avenue NW

Washington, D.C. 20530

(202) 307-2767

michael.stewart3@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to counsel of record.

/s/ Michael E. Stewart

Michael E. Stewart
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530
(202) 307-2767
michael.stewart3@usdoj.gov